

United States Bankruptcy Court

District of New Jersey

Mitchell H. Cohen U.S. Courthouse

P.O. Box 2067

Camden, New Jersey 08101

JUDITH H. WIZMUR

Chief, U.S. Bankruptcy Judge

(856) 757-5126

October 24, 2011

Charlene J. Keys
Keys Research
23630 Southeast 440th Street
Enumclaw, WA 98022

Re: Roland and Susan Robin Urbanek
Case No. 05-21589
LETTER OPINION

FILED
JAMES J. WALDRON, CLERK

October 24, 2011

U.S. BANKRUPTCY COURT
CAMDEN, N.J.
BY: s/ Theresa O'Brien, Judicial
Assistant to Chief Judge Wizmur

Dear Ms. Keys:

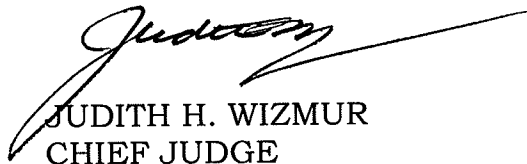
I am in receipt of your motion, filed with the court on September 19, 2011, seeking to withdraw funds from the bankruptcy court registry on behalf of Mission Roller Hockey, a division of Baver Hockey, Inc., a creditor of the debtors noted above. I must deny your request, because you cannot appear to represent a corporation in New Jersey federal court if you are not a New Jersey attorney.

Under New Jersey law, a corporation is prohibited from practicing law and is not permitted to appear before a court to pursue its own motion. See Elizabeth Teachers Union, AFT Local 733 v. Elizabeth Bd. of Educ., Civ. A. No. 90-3343, 1990 WL 174654, *5 (D.N.J. Nov. 8, 1990) ("Corporations may not practice law in New Jersey."). A corporation can only appear before the court on a motion where it is represented by appropriately licensed legal counsel. Id. The Advisory Committee Notes confirm that Rule 9010 does not "change prior holdings prohibiting a corporation from appearing pro se." Adv. Comm. Note (1983). See In re Dunklin, No. 04-41631, 2006 WL 2806234 (Bankr. D.N.J. Sept. 27, 2006) (Rule 9010 draws a distinction between administrative and legal functions). See also, Van De Berg v. C.I.R., 175 Fed. Appx. 539, 541 (3d

Cir. 2006) (a pro se party may not represent a corporation in federal court); Hernandez v. Cullison, No. 05-3038, 2006 WL 1804579, *6 (D.N.J. June 26, 2006) ("The rules governing the practice of law in United States courts make clear that non-lawyers are not permitted to represent parties in federal court."). The general consensus is that "a non-lawyer's attempt to represent a corporation in federal court constitutes the unauthorized practice of law." Unalachtigo Band of Nanticoke-Lenni Lenape Nation v. New Jersey, No. 05-5710, 2007 WL 4547501, *3 (D.N.J. Dec. 17, 2007).

For this reason, an order denying your request to withdraw funds from the court registry will be entered without prejudice. If the motion is refiled by a New Jersey attorney, it will be reconsidered.

Very truly yours,


JUDITH H. WIZMUR
CHIEF JUDGE
U.S. BANKRUPTCY COURT

JHW:tob